

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

RAUL ANTONIO TRINIDAD,

Plaintiff,

v.

Case No. 5:23-cv-28-TJC-PRL

CVS HEALTH CORPORATION /
CVS PHARMACY, INC.,

Defendant.

ORDER

This case is before the Court on Defendant CVS Health Corporation / CVS Pharmacy, Inc.'s Motion to Dismiss (Doc. 7). On May 10, 2023, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 20) recommending that the motion to dismiss be granted and the complaint be dismissed. Pro se Plaintiff Raul Antonio Trinidad objects to the Report and Recommendation, (Doc. 23), and Defendant has responded to Plaintiff's objections, (Doc. 24). Notwithstanding Plaintiff's objections, the Court will adopt the Report and Recommendation and grant Defendant's motion to dismiss. However, the Court will grant Plaintiff an opportunity to file an amended complaint to fix the problems identified in the Report and Recommendation. See (Doc. 20).

Plaintiff also filed two Motions for Miscellaneous Relief, (Docs. 13, 22), which are due to be denied. The first, (Doc. 13), is tied to paragraphs 8 and 16 of the complaint and requests the release of prescription drug pricing information. (Doc. 13 at 1). Because the complaint is due to be dismissed, this motion is moot. The second Motion for Miscellaneous Relief, (Doc. 22), requests entry of Findings of Fact and Conclusions of Law pursuant to FED. R. CIV. P. 52. (Doc. 22). Findings of Fact and Conclusions of Law are typically entered after a bench trial, which these proceedings are not. See FED. R. CIV. P. 52(a)(1). “The court is not required to state findings or conclusions when ruling on a motion under Rule 12” FED. R. CIV. P. 52(a)(3). Plaintiff’s second Motion for Miscellaneous Relief (Doc. 22) is due to be denied.

Accordingly, upon de novo review of the file and for the reasons stated in the Report and Recommendation (Doc. 20), it is hereby

ORDERED:

1. Plaintiff’s Objections to the Report and Recommendation (Doc. 23) are **OVERRULED**. The Report and Recommendation of the Magistrate Judge (Doc. 20) is **ADOPTED** as the opinion of the Court.

2. Defendant’s Motion to Dismiss (Doc. 7) is **GRANTED**. Plaintiff’s Complaint (Doc. 1-1) is **DISMISSED without prejudice**. Plaintiff shall file an amended complaint no later than **June 30, 2023**.

3. Plaintiff's Motion for Miscellaneous Relief, (Doc. 13), which seeks release of drug prescription price information, is **DENIED as moot**.

4. Plaintiff's Motion for Miscellaneous Relief, (Doc. 22), which requests entry of Findings of Fact and Conclusions of Law, is **DENIED**.

DONE AND ORDERED in Jacksonville, Florida the 8th day of June, 2023.



Timothy J. Corrigan
TIMOTHY J. CORRIGAN
United States District Judge

rmv
Copies to:

Honorable Philip R. Lammens
United States Magistrate Judge

Pro se Plaintiff

Counsel of record